

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RICHARD HARPER,	:	
Petitioner	:	Criminal No. 4:07-CR-00339
v.	:	
	:	(Chief Judge Kane)
UNITED STATES OF AMERICA	:	

ORDER

Petitioner filed a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255 on March 29, 2011. (Doc. No. 28.) On July 27, 2011, this Court provided Petitioner with a notice of election, informing him of his rights to file a petition for relief pursuant to 28 U.S.C. § 2255, the potential bar on subsequent petitions, and the one-year statute of limitations. (Doc. No. 29.) The Court's order stated that the motion would be ruled on as filed if the notice of election was not returned within forty-five days. (*Id.* at 4.) Petitioner did not respond to the notice of election within the required forty-five days.

ACCORDINGLY, on this 4th day of October, 2011, **IT IS HEREBY ORDERED**
THAT:

1. The Clerk of Court is directed to serve a copy of the motion (Doc. No. 28), and this order upon the United States Attorney for the Middle District of Pennsylvania;
2. Within twenty (20) days of the date of this order, the Government shall respond to the allegations in Petitioner's motion;
3. Petitioner shall, if he so desires, submit a reply to the Government's response within fifteen (15) days of its filing;
4. A determination as to whether Petitioner shall be produced for a hearing will be held in abeyance pending briefing on the petition.

s/ Yvette Kane

Yvette Kane, Chief Judge
United States District Court
Middle District of Pennsylvania